

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:

Bob Roeloffs

Application No.: 10/551,278

Confirmation No.: 1554

Filed: September 28, 2006

Art Unit: 4118

For: COMBINATION OF A WRITING DEVICE  
AND A CLAMPING DEVICE

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Examiner: Ryan A. Varnum

**RESPONSE TO ELECTION REQUIREMENT**

In response to the Office Action dated July 20, 2009, please consider the above-identified U.S. patent application in light of the election of species IV (Fig. 9A) with traverse.

It is asserted that the species lack a same or corresponding special technical feature because the species can be described in sufficient detail to allegedly avoid overlap. In response, it is respectfully submitted that all of the species have the same or corresponding special technical feature which is the combination of a writing member provided with a writing tip and a clamping device connected to the writing device adapted to clamp the writing member in an edge area of a flat material, and in which the clamping device has first and second elongated legs extending substantially parallel to an facing edge of the writing member, the writing member and the clamping device taking a fixed position relative to each other, ends of the legs being bendably connected to the writing member near the writing tip, and the writing tip being situated outside of the area of the clamping device.

The separation of species IV and XVII is respectfully submitted to be particularly inappropriate in that species XVII includes the entirety of species IV.

Withdrawal of the requirement is respectfully solicited.

To be complete, it is stated that claims 1, 3, 8, 11, 15, 16, 20-22 and 33-39 are readable on the elected species.


### CONTINGENT EXTENSION REQUEST

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 CFR 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 CFR 1.135. The fee under 37 CFR 1.17 should be charged to our Deposit Account No. 50-2215.

The early further consideration and allowance of the pending application is respectfully requested.

Dated: August 18, 2009

Respectfully submitted,

By 

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